

George C. Myers III

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Amendment dated May 9, 2005

Response to Office Action dated February 17, 2005

body portion having two ends and being adapted to have hair wrapped about it between said two ends, an animal head portion attached to one end of the hair curler body portion and simulating a second part of the given animal different from the first part, and an animal hind portion attached to the other end of the hair curler body portion and simulating a third part of the given animal different from the first and second parts, said animal head portion having a different shape than said animal hind portion, and means for holding hair to the hair curler body portion.

22. (Canceled) The hair curler of claim 21, wherein the hair curler body portion comprises a mesh covered coil spring surrounding a cylindrically shaped bristle brush, a pin adapted to be passed through the mesh covered coil spring and bristle brush of the hair curler body portion, said mesh covered coil spring and pin comprising the means for holding hair to the hair curler body portion.

REMARKS

In response to the outstanding Office Action dated February 17, 2005, applicant has canceled claims 4-9, 11-12 and 15-22 leaving only claims 1, 3, 10 and 13 for consideration (claims 2 and 14 were previously canceled).

Turning now to the rejections of the claims, claims 1-3, 8, 13 and 15 have been rejected by the Examiner under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 6,386,207 to Stewart; and claims 1, 3, 8, 10, 13, 15-22 have been rejected by the Examiner under 35 U.S.C. §103(a) as unpatentable over Barrett in view of U.S. Design Patent Nos. D145,079 to Gumb and

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D103,833 to Schneeweis and, as to claims 10, 17 and 18, further in view of U.S. Patent No. 3,073,318 to Catania.

Claims 1, 3, 10 and 13 as presently amended are considered to overcome all the Examiner's rejections and should be allowable. Claim 1 now recites that the "animal head portion [is] molded of a plastic material separate from the body portion," and that the "animal hind portion [is] molded of a plastic material separate from the body portion," a feature not anticipated by or obvious over Stewart. In addition, claim 1 recites that the "cylindrical body portion [has] a length between said animal head and hind portions sufficient for wrapping hair about the body portion." As taught by Stewart at col. 4, lines 19-23 the appendages 16 of Stewart's hair device are only 5/16ths of an inch apart, which renders the center body portion 11 of the Stewart device unsuitable for use as a hair curler. Indeed, as previously pointed out, Stewart's hair device is not a hair curler at all, but rather a decorative device for securing the hair in a particular style. In view of that fact and the amendments to claim 1 that overcome the anticipation rejection, claim 1 should now be allowable over Stewart.

With respect to the obviousness rejection of claim 1 based on Barrett, Gumb and Schneeweis, amended claim 1 now recites that the "animal head portion compris[es] an animal head/forelegs form and said animal hind portion compris[es] an animal hind quarters/hind legs form." Even assuming the Examiner's combination of Gumb and Schneeweis with Barrett is appropriate, there is no teaching in that combination to make the animal head portion in the form

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of an animal head/forelegs, nor the animal hind portion in the form of an animal hind quarters/hind legs.

It is also noted that Barrett discloses a hair roller R with ornaments O that are "arranged so as to simulate a flower or any similar decorative item." Importantly, the flower ornaments O applied to the hair roller are identical in shape and appearance, and there is no teaching or suggestion in Barrett that the ornaments O applied to the opposite ends of the roller R should have a different shape and appearance. Nor is there any motivation in Barrett to attach different ornaments to the opposite ends of the roller R. Even the combination with the combs of Gumb and Schneeweis does not overcome that deficiency of Barrett because there is still no teaching in either of those secondary references that the ornaments O of Barrett should be made in the form of different portions of the anatomy of an animal.

The Examiner relies on Gumb and Schneeweis primarily as teaching the substitution of a decorative animal ornament for a decorative flower ornament. Insofar as that combination is concerned, the most that is taught is to substitute an animal ornament for the Barrett flower ornament. It is respectfully submitted that there is no teaching or suggestion in Gumb and Schneeweis or any of the combined references to make animal head and hind portion ornaments of different shapes and appearances and attach them to the opposite ends of Barrett's hair curler.

For the foregoing reasons, pending claims 1, 3, 10 and 13 are considered to patentably distinguish over the applied prior art whether taken alone or in any valid combination.

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Accordingly, allowance of claims 1, 3, 10 and 13 is respectfully requested.

Respectfully submitted,

GEORGE C. MYERS, III



George C. Myers, Jr.

Reg. No. 27,040

Attorney for Applicant

George C. Myers, Jr.
197 Eighth Street, Apt 212
Charlestown, MA 02129